

Chapter 5.52

TEENAGE CLUBS

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5.52.010 Definitions.

The following definitions shall apply in the interpretation and enforcement of this chapter:

Certificate of compliance shall mean a written statement by a city department certifying compliance with the requirements of the city ordinances enforced by that department.

Person shall mean any natural person, firm, partnership, association, corporation, company, or organization of any kind.

Teenage club shall mean the operation of a place of amusement or entertainment for pecuniary gain having a membership requirement, keeping and maintaining premises where persons under the age of twenty-one years congregate.

For pecuniary gain shall mean and include not only the pecuniary gain which might be made by any person promoting, organizing, or operating the organization, but also monetary recompense in any form received by the officers, directors, or other persons in control of the activities of such operation. (Ord. 15480 §1; March 5, 1990: P.C. §5.05.010: Ord. 8783 §1; July 26, 1965).

5.52.020 Permit Required.

No person shall engage in promoting or operating a teenage club within the City of Lincoln without a permit to do so issued by the City Clerk. Applications for permits shall be made to the City Clerk who shall issue a permit upon compliance by the applicant with provisions of this chapter, as evidenced by certificates of compliance from the Police, Health, Fire, and Building and Safety Departments. No permit shall be transferable. Every person holding a teenage club permit shall give notice in writing to the City Clerk within seventy-two hours after having sold, transferred, given away, or otherwise disposed of any interest in or control of any private teenage club. Such notice shall include the name and address of the person succeeding to the ownership or control of the teenage club. (Ord. 16951 §40; March 11, 1996: prior Ord. 15480 §2; March 5, 1990: P.C. §5.05.020: Ord. 8783 §2; July 26, 1965).

5.52.030 Participating in Activities of Teenage Clubs Having No Permit.

No person shall knowingly frequent the premises of any teenage club which shall not have a valid and subsisting permit, or engage in any activity promoted, managed, regulated, or operated by any teenage club which does not have a valid and subsisting permit; provided, however, that this shall not apply to those teenage clubs exempted by the provisions of this chapter. (Ord. 15480 §3; March 5, 1990: P.C. §5.05.030: Ord. 8783 §3; July 26, 1965).

5.52.040 Teenage Clubs; Exceptions.

The provisions of this chapter shall not apply to any teenage club conducted under the supervision and direction of the Board of Regents of the University of Nebraska, the City of Lincoln, public and private schools accredited by the State of Nebraska, any church or religious organization or association, nationally recognized lodges or fraternal societies, clubs maintaining living quarters for their members, labor union, or veterans organizations. (Ord. 15480 §4; March 5, 1990: P.C. §5.05.040: Ord. 8783 §4; July 26, 1965).

5.52.050 Application for Permit.

Any teenage club proposing to operate in the city, and any person proposing to operate any teenage club in the city, shall file with the City Clerk an application for a permit, which application shall be in writing, verified before a notary public, and shall be accompanied by an application fee in the sum of twenty-five dollars. The application shall be made on forms supplied by the City Clerk and shall contain the following information:

- (a) The name of the applicant;
- (b) The business address of the applicant;
- (c) The name of the proposed teenage club;
- (d) The manner in which it is organized;
- (e) The address at which the facilities are provided for the teenage club activities;
- (f) A complete description of the premises to be used by the teenage club;

- (g) The activities which will be sponsored, promoted, or engaged in by such teenage club;
- (h) The maximum number of persons who will be allowed on the teenage club premises;
- (i) Any facilities which will be provided by the teenage club for its members;
- (j) The names, addresses, and ages of the officers and directors if the club is a corporation;
- (k) The names, addresses, and ages of the partners if the teenage club is operated by a partnership;
- (l) The name, address, and age of any stockholder owning or controlling more than twenty-five percent of the stock if it is a corporation or stock company;
- (m) The name, address, and age of the owner if owned by an individual;
- (n) The name, address, and age of the manager or person in control of the teenage club activities;
- (o) The name, address, and age of all sponsors or chaperons of the teenage club;
- (p) Whether or not any of those named in subsections (j), (k), (l), (m), (n) or (o) have been convicted of a felony, and if so, the name, date, place, and particulars; and
- (q) The minimum number of adult supervisors who will be in attendance at all times during the club activities. (Ord. 15480 §5; March 5, 1990: P.C. §5.05.050: Ord. 8783 §5; July 26, 1965).

5.52.060 Investigation and Action upon the Application.

Upon the filing of any application and the payment of the application fee, the application shall be referred to the following departments of the city for investigation:

- (a) Health Department for investigation to determine if the teenage club complies with all applicable health ordinances of the city;
- (b) Fire and Rescue Department for investigation to determine if the teenage club complies with all applicable fire ordinances of the city;
- (c) Department of Building and Safety for investigation to determine if the teenage club complies with all applicable zoning and building ordinances of the city; and
- (d) Police Department for investigation to determine if the teenage club complies with the remaining requirements of this chapter.

All departments of the city shall forward a certificate of compliance to the City Clerk within ten days after the applicant complies with the respective provisions of the applicable ordinances. The permit shall set forth the club activities for which the premises have been approved and the maximum number of persons permitted on the premises at any one time. (Ord. 18170 §19; April 28, 2003: prior Ord. 15480 §6; March 5, 1990: P.C. §5.05.060: Ord. 14837 §6; February 29, 1988: Ord. 8783 §6; July 26, 1965).

5.52.070 Permit; Conditions for Issuance.

The permit issued hereunder shall apply only to the premises and club activities described in the application and in the permit issued thereon, and only one location shall be so described in each permit. A new application must be submitted if any change is made from the application as previously submitted and approved. Every permittee shall cause the permit to be framed and hung in plain view in a conspicuous place in the teenage club. (Ord. 15480 §7; March 5, 1990: P.C. §5.05.070: Ord. 8783 §7; July 26, 1965).

5.52.080 Permits; Renewal.

A permit issued under this chapter may be automatically renewed by the City Clerk if the permittee pays an annual renewal fee of twenty-five dollars; provided, however, that the payment thereof shall be an affirmative representation and certification by the permittee that all answers contained in an application, if submitted, would be the same in all material aspects as the answers contained in the last previous application; and provided, further, that the City Clerk may at any time require a permittee to submit an application.

Whenever a permittee files an application, the application shall be processed as set forth in Sections 5.52.050 through 5.52.070. (Ord. 15480 §8; March 5, 1990: P.C. §5.05.080: Ord. 8783 §8; July 26, 1965).

5.52.090 Teenage Club; Requirements for Building.

No permit shall be issued to any applicant unless the building complies in all respects with the provisions of this chapter, the ordinances of the city, all health and fire regulations of the city, and laws of the State of Nebraska, and if, at any time, a teenage club does not comply with the provisions of this chapter, the Mayor shall revoke the permit. (Ord. 15480 §9; March 5, 1990: P.C. §5.05.110: Ord. 8783 §11; July 26, 1965).

5.52.100 Permit Expiration.

All permits granted under the provisions of this chapter shall expire on the thirty-first day of May following the date of their issuance, unless revoked prior thereto as provided in this chapter. (Ord. 15480 §10; March 5, 1990: P.C. §5.05.120: Ord. 8783 §12; July 26, 1965).

5.52.110 Permittee Responsibilities.

Every permittee is hereby charged with knowledge and notice of all the provisions of this chapter and shall be charged with notice of, and be responsible for, the conduct of all persons entering, frequenting, or remaining in, the premises under control of the permittee. (Ord. 15480 §11; March 5, 1990: P.C. §5.05.130: Ord. 8783 §13; July 26, 1965).

5.52.120 Right of Entry.

Any duly authorized city officer or inspector shall be permitted to enter any teenage club for the purpose of inspecting such club or any activities conducted therein consistent with the uniform inspections code of the city, and the Mayor may reserve the right in every permit issued under the provisions of this chapter to appoint or designate an inspector to be present at any or all social activities of the club conducted under said permit, whose duty shall be to enforce the provisions of this chapter, to keep order and decorum, and who shall have authority to cause any person who offends against any of the provisions of this chapter, to be ejected from the club, and to carry out all orders in that behalf; such inspector may call the assistance of any policeman or the permittee; the inspector so designated shall be entitled to charge, and shall receive the equivalent of their city salary for such services at such club activities, which fee shall be paid by the permittee. (Ord. 15480 §12; March 5, 1990: P.C. §5.05.140: Ord. 8783 §14; July 26, 1965).

5.52.130 Lighting of the Club.

All teenage clubs shall be adequately lighted at all times and the volume of illumination shall not be less than one foot candle power measured at a level of five feet above the floor in all parts of the building and premises accessible to the members. (Ord. 15480 §12; March 5, 1990: P.C. §5.05.150: Ord. 8783 §15; July 26, 1965).

5.52.140 Parking; Lighting.

All off-street parking facilities made available by the permittee for the members and their guests shall be adequately lighted and supervised. (Ord. 15480 §14; March 5, 1990: P.C. §5.05.160: Ord. 8783 §16; July 26, 1965).

5.52.150 Use of Alcoholic Liquor; Prohibited.

Admission to a teenage club shall be denied to any person showing evidence of drinking any alcoholic liquor or who has any alcoholic liquor on their person. (Ord. 15480 §15; March 5, 1990: P.C. §5.05.170: Ord. 8783 §17; July 26, 1965).

5.52.160 Sale of Cigarettes Prohibited.

The sale of cigarettes and tobacco products shall be prohibited on the premises licensed as a teenage club. (Ord. 15480 §16; March 5, 1990: P.C. §5.05.180: Ord. 8783 §18; July 26, 1965).

5.52.170 Participation of Adults Prohibited.

A person twenty-one years of age or over shall not enter, frequent, or remain at any teenage club. This does not prohibit the attendance of chaperons or sponsors, duly authorized city inspectors or officers, employees of permittee or parents or legal guardians of any of the members. (Ord. 15480 §17; March 5, 1990: P.C. §5.05.190: Ord. 8783 §19; July 26, 1965).

5.52.180 Closing Hours.

No teenage club shall be permitted to operate between the hours of 12:00 midnight to 8:00 a.m. (Ord. 15480 §18; March 5, 1990: P.C. §5.05.200: Ord. 8783 §20; July 26, 1965).

5.52.190 Minimum Age.

No person under sixteen years of age shall be permitted to enter, frequent, or remain in any teenage club. (Ord. 15480 §19; March 5, 1990: P.C. §5.05.210: Ord. 8783 §21; July 26, 1965).

5.52.200 Falsifying Age.

It is unlawful for any person to falsely represent the age of any person for the purpose of allowing such person to enter, frequent, or remain at any teenage club. (Ord. 15480 §20; March 5, 1990: P.C. §5.05.220: Ord. 8783 §22; July 26, 1965).

5.52.210 Use of Facilities Limited to Members.

It shall be unlawful for any teenage club permittee to allow any person to enter, frequent, or remain on the teenage club premises other than a bona fide member of the permittee's club, except as otherwise

permitted under this chapter. (Ord. 15480 §21; March 5, 1990: P.C. §5.05.230: Ord. 8783 §23; July 26, 1965).

5.52.220 Membership of Teenage Clubs.

As an incident to the operation of a teenage club, an accurate and current membership list must be maintained at all times which contains the names, residences, ages of its members in their own handwriting, and copies thereof must be filed with the City of Lincoln annually on June first and kept available for inspection by duly authorized law enforcement officers and representatives of the City of Lincoln. (Ord. 15480 §22; March 5, 1990: P.C. §5.05.240: Ord. 8783 §24; July 26, 1965).

5.52.230 Liability Insurance.

Before a permit is granted or renewed, any person operating a teenage club shall file with the City Clerk a certificate of liability insurance coverage as provided in Chapter 5.58. (Ord. 15480 §23; March 5, 1990: P.C. §5.05.250: Ord. 11997 §1; May 31, 1977: prior Ord. 8783 §25; July 26, 1965).

5.52.240 Violations.

The issuance of a permit shall not be deemed to permit any violation of law by any club or the owners, operators or members thereof. Any such violation may result in suspension of the permit for such club. (Ord. 15480 §24; March 5, 1990: P.C. §5.05.260: Ord. 8783 §26; July 26, 1965).

5.52.250 Penalty.

Any person upon whom a duty is placed by the provisions of this ordinance who shall fail, neglect or refuse to perform such duty or who shall violate any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in the county jail for a period not to exceed six months, or by a fine of not to exceed \$100.00, recoverable with costs, or both. Each day that a violation of this chapter continues shall constitute a separate and distinct offense and shall be punishable as such.

The Mayor may suspend or revoke any permit issued hereunder upon proof submitted to him of the violation of the provisions of this chapter by any teenage club or the owners, operators, employees, or members. (Ord. 15480 §25; March 5, 1990: P.C. §5.05.270: Ord. 8783 §27; July 26, 1965).